

108TH CONGRESS  
1ST SESSION

# S. 1466

To facilitate the transfer of land in the State of Alaska, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 25 (legislative day, JULY 21), 2003

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To facilitate the transfer of land in the State of Alaska,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Alaska Land Transfer Acceleration Act of 2003”.

6       (b) **TABLE OF CONTENTS.**—The table of contents of  
7       this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

### TITLE I—STATE SELECTIONS AND CONVEYANCES

Sec. 101. Community grant selections and conveyances.  
Sec. 102. Prioritization of land to be conveyed.

- Sec. 103. Selection of certain reversionary interests held by the United States.
- Sec. 104. Effect of powersite reserves, powersite classifications, power projects, and hot spring withdrawals.
- Sec. 105. Entitlement for the University of Alaska.
- Sec. 106. Settlement of remaining entitlement.
- Sec. 107. Effect of Federal mining claims.
- Sec. 108. Land mistakenly relinquished or omitted.

## TITLE II—ALASKA NATIVE CLAIMS SETTLEMENT ACT

- Sec. 201. Land available after selection period.
- Sec. 202. Combined entitlements.
- Sec. 203. Conveyance of last whole section of land.
- Sec. 204. Discretionary authority to convey subsurface estate in pre-ANCSA refuges.
- Sec. 205. Conveyance of cemetery sites and historical places.
- Sec. 206. Approved allotments.
- Sec. 207. Allocations based on population.
- Sec. 208. Authority to withdraw land.
- Sec. 209. Bureau of Land Management land.
- Sec. 210. Automatic segregation of land for underselected Village Corporations.
- Sec. 211. Procedures relating to dissolved or lapsed Native Corporations.
- Sec. 212. Settlement of remaining entitlement.
- Sec. 213. Conveyance to Kaktovik Inupiat Corporation and Arctic Slope Regional Corporation.

## TITLE III—NATIVE ALLOTMENTS

- Sec. 301. Title affirmation of Native allotment location and description.
- Sec. 302. Title recovery of Native allotments
- Sec. 303. Native allotment relocation on land selected by or conveyed to a native corporation.
- Sec. 304. Compensatory acreage.
- Sec. 305. Native allotment deadlines.
- Sec. 306. Elimination of shore space measurement.
- Sec. 307. Amendments to section 41 of the Alaska Native Claims Settlement Act.

## TITLE IV—FINAL PRIORITIES; CONVEYANCE AND SURVEY PLANS

- Sec. 401. Deadline for establishment of regional plans.
- Sec. 402. Deadlines for establishment of village plans.
- Sec. 403. Final prioritization of ANCSA selections.
- Sec. 404. Final prioritization of State selections.

## TITLE V—ALASKA LAND CLAIMS HEARINGS AND APPEALS

- Sec. 501. Alaska land claims hearings and appeals.

## TITLE VI—REPORT TO CONGRESS

- Sec. 601. Report.

## TITLE VII—AUTHORIZATION OF APPROPRIATIONS

- Sec. 701. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 (2) STATE.—The term “State” means the State  
6 of Alaska.

7 **TITLE I—STATE SELECTIONS**  
8 **AND CONVEYANCES**

9 **SEC. 101. COMMUNITY GRANT SELECTIONS AND CONVEY-**  
10 **ANCES.**

11 (a) IN GENERAL.—Section 6 of Public Law 85–508  
12 (commonly known as the “Alaska Statehood Act”) (72  
13 Stat. 340) is amended by adding at the end the following:

14 “(n) WAIVER OF MINIMUM TRACT SELECTION  
15 SIZE.—With respect to a selection made by the State of  
16 Alaska under subsection (a), the Secretary of the Interior  
17 may waive the minimum tract selection size if the Sec-  
18 retary determines that—

19 “(1) an existing selection does not meet the  
20 original minimum statutory acreage; and

21 “(2) the only alternative to waiver is to reject  
22 the application.

23 “(o) REQUIREMENTS APPLICABLE TO UNITS OF THE  
24 NATIONAL FOREST SYSTEM.—A selection of land in a  
25 unit of the National Forest System under subsection (a)  
26 shall not be valid unless the Secretary of Agriculture has

1 approved the selection before the date of enactment of this  
 2 subsection.

3 “(p) NO RELINQUISHMENT.—If there is a selection  
 4 under subsection (a) with respect to a tract of land that  
 5 is equal to or greater than 160 acres, the State of Alaska  
 6 may not relinquish such portion of the tract as is nec-  
 7 essary for the tract to be less than 160 acres.

8 “(q) RATIFICATION OF PATENTS AND TENTATIVE  
 9 APPROVALS.—Any patent or tentative approval for a se-  
 10 lection under subsection (a) of less than 160 acres that  
 11 is issued before the date of enactment of this subsection  
 12 is ratified and confirmed.”.

13 (b) COMMUNITY GRANT SELECTIONS.—Section 6 of  
 14 Public Law 85–508 (commonly known as the “Alaska  
 15 Statehood Act”) (72 Stat. 340) (as amended by subsection  
 16 (a)) is amended by adding at the end the following:

17 “(r) CONVERSION TO COMMUNITY GRANT SELEC-  
 18 TION.—

19 “(1) IN GENERAL.—The State of Alaska may  
 20 elect to convert a selection filed under subsection (b)  
 21 to a selection under subsection (a) by notifying the  
 22 Secretary of the Interior in writing.

23 “(2) NO PARTIAL CONVERSION.—If the State of  
 24 Alaska makes an election under paragraph (1), the

1 entire selection shall be converted to a selection  
2 under subsection (a).

3 “(3) LIMITATION ON ACREAGE.—The Secretary  
4 shall not convey a total of more than 400,000 acres  
5 of—

6 “(A) land that is selected before the date  
7 of enactment of this subsection under sub-  
8 section (a); or

9 “(B) land that is converted to a subsection  
10 (a) selection under paragraph (1).

11 “(4) EFFECT ON SURVEY OBLIGATIONS.—Con-  
12 version of a selection under paragraph (1) shall not  
13 affect the survey obligation of the United States  
14 with respect to the land converted.

15 “(s) USE OF SELECTED LAND FOR COMMUNITY AND  
16 RECREATIONAL PURPOSES.—All selection applications of  
17 the State of Alaska that are on file with the Secretary  
18 of the Interior under subsection (a) on the date of enact-  
19 ment of this subsection are approved as suitable for com-  
20 munity or recreational purposes.”.

21 **SEC. 102. PRIORITIZATION OF LAND TO BE CONVEYED.**

22 Section 906(h)(2) of the Alaska National Interest  
23 Lands Conservation Act (43 U.S.C. 1635(h)(2)) is amend-  
24 ed—

1 (1) by striking “(2) As soon as practicable” and  
 2 inserting the following:

3 “(2) TENTATIVE APPROVAL.—

4 “(A) ISSUANCE.—As soon as practicable”;

5 (2) by striking “The sequence of” and inserting  
 6 the following:

7 “(B) PRIORITY.—

8 “(i) IN GENERAL.—The sequence of”;

9 and

10 (3) by adding at the end the following:

11 “(ii) REQUIREMENTS.—In estab-  
 12 lishing the priorities for tentative approval  
 13 under clause (i), the State shall—

14 “(I) in the case of a selection  
 15 under section 6(a) of Public Law 85–  
 16 508 (commonly known as the “Alaska  
 17 Statehood Act”) (72 Stat. 340), in-  
 18 clude all land selected; or

19 “(II) in the case of a selection  
 20 under section 6(b) of that Act—

21 “(aa) include at least 5,760  
 22 acres; or

23 “(bb) if a waiver has been  
 24 granted under section 6(g) of  
 25 that Act or less than 5,760 acres

1 of the entitlement remains,  
 2 prioritize the selection in such in-  
 3 crements as are available for con-  
 4 veyance.”.

5 **SEC. 103. SELECTION OF CERTAIN REVERSIONARY INTER-**  
 6 **ESTS HELD BY THE UNITED STATES.**

7 (a) IN GENERAL.—All reversionary interests held by  
 8 the United States in land owned by the State or any polit-  
 9 ical subdivision of the State, and any Federal land leased  
 10 by the State under the Act of August 23, 1950 (25 U.S.C.  
 11 293a), or the Act of June 4, 1953 (67 Stat. 41, chapter  
 12 47), that is prioritized for conveyance by the State under  
 13 section 906(h)(2) of the Alaska National Interest Lands  
 14 Conservation Act (43 U.S.C. 1635(h)(2))—

15 (1) is deemed to be selected; and

16 (2) may, with the concurrence of the Secretary  
 17 or the Secretary of Agriculture, as appropriate, be  
 18 selected under section 6 of Public Law 85–508  
 19 (commonly known as the “Alaska Statehood Act”)  
 20 (72 Stat. 340).

21 (b) EFFECT ON ENTITLEMENT.—If, before the date  
 22 of enactment of this Act, the entitlement of the State has  
 23 not been charged with respect to a parcel for which a re-  
 24 versionary interest is conveyed under subsection (a), the

1 total acreage of the parcel shall be charged against the  
2 remaining entitlement of the State.

3 (c) MINIMUM ACREAGE REQUIREMENT NOT APPLI-  
4 CABLE.—The minimum acreage requirement under sub-  
5 sections (a) and (b) of section 6 of Public Law 85–508  
6 (commonly known as the “Alaska Statehood Act”) (72  
7 Stat. 340) shall not apply to the selection of reversionary  
8 interests under subsection (a).

9 (d) STATE WAIVER.—On conveyance of any rever-  
10 sionary interest to the State selected under subsection (a),  
11 the State shall be deemed to have waived all right to any  
12 future credit should the reversion not occur.

13 (e) LIMITATION.—This section shall not apply to—

14 (1) reversionary interests in land acquired by  
15 the United States through the use of amounts from  
16 the Exxon Valdez Oil Spill Trust Fund; or

17 (2) reversionary interests in any land conveyed  
18 to the State as a result of the “Terms and Condi-  
19 tions for Land Consolidation and Management in  
20 Cook Inlet Area” as ratified by section 12 of Public  
21 Law 94–204 (43 U.S.C. 1611 note).



1 **SEC. 104. EFFECT OF POWERSITE RESERVES, POWERSITE**  
 2 **CLASSIFICATIONS, POWER PROJECTS, AND**  
 3 **HOT SPRING WITHDRAWALS.**

4 (a) IN GENERAL.—If the State has filed a future se-  
 5 lection application under section 906(e) of the Alaska Na-  
 6 tional Interest Lands Conservation Act (43 U.S.C.  
 7 1635(e)) for land withdrawn, reserved, or classified for  
 8 power site or power project purposes, or for land con-  
 9 taining hot or medicinal springs withdrawn by Executive  
 10 Order No. 5389 of July 7, 1930, as amended by Public  
 11 Land Order No. 399 of August 20, 1947, notwithstanding  
 12 the withdrawal, reservation, or classification, the land  
 13 shall be deemed to be vacant, unappropriated, and unre-  
 14 served within the meaning of Public Law 85–508 (com-  
 15 monly known as the “Alaska Statehood Act”) (72 Stat.  
 16 339).

17 (b) LIMITATION.—Subsection (a) does not apply to  
 18 any land that is reserved for an additional Federal pur-  
 19 pose other than those listed in—

20 (1) subsection (a); or

21 (2) section 17(d)(1) of the Alaska Native  
 22 Claims Settlement Act (43 U.S.C. 1616(d)(1)).

23 (c) REQUIREMENT APPLICABLE TO NATIONAL FOR-  
 24 EST SYSTEM LAND.—Any land described in subsection (a)  
 25 that is in a unit of the National Forest System shall not  
 26 be deemed to be vacant, unappropriated, or unreserved un-

1 less the Secretary of Agriculture approved the State selec-  
 2 tion before January 3, 1994.

3 (d) REQUIREMENTS APPLICABLE TO HYDRO-  
 4 ELECTRIC PROJECTS.—Any conveyance of land described  
 5 in subsection (a) that is included in a hydroelectric appli-  
 6 cation or licensed project shall be subject to—

7 (1) the rights of third parties; and

8 (2) the right of reentry under section 24 of the  
 9 Federal Power Act (16 U.S.C. 818).

10 (e) DISCLAIMER OF INTEREST.—If the Federal En-  
 11 ergy Regulatory Commission has determined that a res-  
 12 ervation made under section 24 of the Federal Power Act  
 13 (16 U.S.C. 818) is not necessary, the patentee may apply  
 14 to the Secretary for a disclaimer of interest instead of peti-  
 15 tioning Congress for private relief legislation.

16 **SEC. 105. ENTITLEMENT FOR THE UNIVERSITY OF ALASKA.**

17 (a) IN GENERAL.—As of January 1, 2003, the re-  
 18 maining entitlement of the University of Alaska under the  
 19 Act of January 21, 1929 (45 Stat. 1091, chapter 92), is  
 20 equal to 456 acres.

21 (b) ADDITIONAL ENTITLEMENT.—The entitlement  
 22 under subsection (a) shall be increased to reflect the re-  
 23 conveyance of any land by the University of Alaska to the  
 24 United States to accommodate conveyance of a Native al-  
 25 lotment.

1       (c) REVERSIONARY INTERESTS.—The Act of January  
 2 21, 1929 (45 Stat. 1091, chapter 92), is amended by add-  
 3 ing at the end the following:

4   **“SEC. 8. SELECTION BY STATE.**

5       “(a) REVERSIONARY INTERESTS.—

6           “(1) IN GENERAL.—The State of Alaska, on be-  
 7 half of the University of Alaska, may select any min-  
 8 eral interest (including an interest in oil or gas) or  
 9 reversionary interest held by the United States in  
 10 land located in the State of Alaska that—

11                   “(A) is owned by the University of Alaska;

12                   or

13                   “(B) was previously conveyed to a non-  
 14 governmental third party.

15       “(2) WRITTEN CONSENT REQUIRED.—If an in-  
 16 terest in land selected under paragraph (1) is other-  
 17 wise available under this Act, to be valid a selection  
 18 under that paragraph shall be approved in writing  
 19 by the owner or owners of the remaining interests.

20       “(3) EFFECT ON ENTITLEMENT.—The total  
 21 acreage of any parcel of land for which only the re-  
 22 served or retained mineral interest or reversionary  
 23 interest is conveyed shall be charged against the re-  
 24 maining entitlement of the University of Alaska.

1           “(4) WAIVER.—In taking title to a reversionary  
2           interest, the University of Alaska waives all right to  
3           any future credit if the reversion does not occur.

4           “(b) SELECTION OF ISOLATED TRACTS.—The State,  
5           on behalf of the University of Alaska, may select any tract  
6           of land, regardless of size, that—

7           “(1) is vacant, unappropriated, and unreserved,  
8           other than land withdrawn under section 17(d)(1) of  
9           the Alaska Native Claims Settlement Act (43 U.S.C.  
10          1616(d)(1)); and

11          “(2) is an isolated tract of public land.

12          “(c) SELECTION OF TRACTS OF MORE THAN 40  
13          ACRES.—The State, on behalf of the University of Alaska,  
14          may, with the concurrence of the Secretary, select any  
15          tract of land that—

16          “(1) is vacant, unappropriated, and unreserved,  
17          other than land withdrawn under 17(d)(1) of the  
18          Alaska Native Claims Settlement Act (43 U.S.C.  
19          1616(d)(1)); and

20          “(2) is not less than 40 acres.

21       **“SEC. 9. LIMITATION ON ACREAGE SELECTED.**

22          “The total acreage selected under this Act shall be  
23          not more than—

1           “(1) 125 percent of the entitlement of the Uni-  
2       versity of Alaska remaining on the date of enact-  
3       ment of this section; plus

4           “(2) the number of acres that are in conflict  
5       with land of the University of Alaska, as identified  
6       in Native allotment applications on record with the  
7       Bureau of Land Management.

8   **“SEC. 10. SELECTION OF LAND SUBJECT TO A PENDING AP-**  
9                           **PLICATION.**

10       “The University of Alaska may not select land under  
11   this Act that is subject to a pending selection by the State  
12   of Alaska or a Native Corporation or to which the State  
13   of Alaska or the Native Corporation is entitled to make  
14   a claim unless the University has received written consent  
15   for the selection from the State of Alaska or the Native  
16   Corporation.”.

17   **SEC. 106. SETTLEMENT OF REMAINING ENTITLEMENT.**

18       (a) IN GENERAL.—The Secretary may enter into  
19   binding, written agreements with the State with respect  
20   to—

21           (1) the exact number and location of acres of  
22       land remaining to be conveyed to the State under  
23       each entitlement established or confirmed by—

1 (A) Public Law 85–508 (commonly known  
2 as the “Alaska Statehood Act”) (72 Stat. 340);  
3 and

4 (B) the Act of January 21, 1929 (45 Stat.  
5 1091, chapter 92);

6 (2) the priority in which the land is to be con-  
7 veyed;

8 (3) the relinquishment of selections which are  
9 not to be conveyed;

10 (4) the survey of the exterior boundaries of the  
11 land to be conveyed; and

12 (5) any other matters that would assist in car-  
13 rying out the conveyances to the State.

14 (b) CONSULTATION.—Before entering into an agree-  
15 ment under subsection (a), the Secretary shall consult  
16 with the head of the agency administering the land to be  
17 conveyed.

18 (c) ERRORS.—The State, by entering into an agree-  
19 ment under subsection (a), shall receive any gain or bear  
20 any loss resulting from errors in prior surveys, protraction  
21 diagrams, or the computation of the ownership of third  
22 parties on any land conveyed.

23 **SEC. 107. EFFECT OF FEDERAL MINING CLAIMS.**

24 (a) IN GENERAL.—Land encumbered by a Federal  
25 mining claim shall be deemed to be vacant, unappropri-

1 ated, and unreserved within the meaning of Public Law  
 2 85–508 (commonly known as the “Alaska Statehood Act”)  
 3 (72 Stat. 339) and may be conveyed to the State under  
 4 subsection (b) if, with respect to the land—

5 (1) the State has filed—

6 (A) a selection application under Public  
 7 Law 85–508 (commonly known as the “Alaska  
 8 Statehood Act”) (72 Stat. 339); or

9 (B) a future selection application under  
 10 section 906(e) of the Alaska National Interest  
 11 Lands Conservation Act (43 U.S.C. 1635(e));  
 12 and

13 (2) the owner of the Federal mining claim has  
 14 filed with the Secretary a voluntary relinquishment  
 15 of the Federal mining claim conditioned on convey-  
 16 ance of the land to the State by tentative approval  
 17 or patent.

18 (b) CONVEYANCE.—

19 (1) IN GENERAL.—The Secretary may, subject  
 20 to the conditions described in paragraph (2), convey  
 21 to the State without charge against entitlement land  
 22 encumbered by a Federal mining claim if—

23 (A)(i) a mining claimant files a conditional  
 24 relinquishment described in subsection (a); or

25 (ii) a mining claim recordation is—

- 1 (I) deemed abandoned and void; or  
2 (II) otherwise closed by final decision  
3 of the Secretary; and  
4 (B) the State owns land surrounding or ef-  
5 fectively surrounding the land encumbered by  
6 the Federal mining claim.

7 (2) CONDITIONS.—A conveyance under para-  
8 graph (1)—

9 (A) shall not include more than 1,280  
10 acres of land;

11 (B) shall not require reclamation of the  
12 land; and

13 (C) shall be effective only if, at least 30  
14 days before the date on which the land is to be  
15 conveyed, the Secretary submits to the State  
16 written notice of the pending conveyance.

17 (3) NO RELINQUISHMENT.—If the land encum-  
18 bered by the Federal mining claim is not conveyed  
19 to the State under paragraph (1), the relinquish-  
20 ment of land under subsection (a)(2) shall be of no  
21 effect.

22 (4) OBLIGATIONS UNDER FEDERAL LAW.—  
23 Until the date on which the land is conveyed under  
24 paragraph (1), the owner of the Federal mining



1 claim shall be subject to any obligations relating to  
 2 the land under Federal law.

3 (c) SURVEYS.—

4 (1) LAND ENCUMBERED BY FEDERAL MINING  
 5 CLAIMS.—Land encumbered by Federal mining  
 6 claims shall not be surveyed for the purpose of con-  
 7 veying to the State the land surrounding the encum-  
 8 bered land.

9 (2) EXTERIOR BOUNDARY.—A patent to the  
 10 State for land surrounding land encumbered by a  
 11 Federal mining claim shall be made based on an ex-  
 12 terior boundary survey of the total conveyance.

13 (3) EXCLUSION FOR FEDERAL MINING  
 14 CLAIMS.—In a conveyance of land encumbered by a  
 15 Federal mining claim, the Federal mining claim—

16 (A) shall not be included in the patent doc-  
 17 ument; and

18 (B) shall not be charged against the enti-  
 19 tlement of the State.

20 **SEC. 108. LAND MISTAKENLY RELINQUISHED OR OMITTED.**

21 (a) IN GENERAL.—Subject to valid existing rights  
 22 and the concurrence of the Secretary with jurisdiction over  
 23 the land, the State may, with respect to any land that  
 24 is mistakenly relinquished or omitted from a selection  
 25 under section 6 of Public Law 85–508 (commonly known

1 as the “Alaska Statehood Act”) or top-filing under section  
 2 906(e) of the Alaska National Interest Lands Conserva-  
 3 tion Act (16 U.S.C. 1635(e)), select or top-file the relin-  
 4 quished or omitted land.

5 (b) STATE.—The Secretary with jurisdiction over the  
 6 land may convey to the State the relinquished or omitted  
 7 land if—

8 (1) the State demonstrates, to the satisfaction  
 9 of the Secretary with jurisdiction over the land, that  
 10 the land was mistakenly relinquished or omitted  
 11 from the selection or top-filing; and

12 (2) there is sufficient acreage in the remaining  
 13 entitlement to make the conveyance.

## 14 **TITLE II—ALASKA NATIVE** 15 **CLAIMS SETTLEMENT ACT**

### 16 **SEC. 201. LAND AVAILABLE AFTER SELECTION PERIOD.**

17 Section 12(a) of the Alaska Native Claims Settlement  
 18 Act (43 U.S.C. 1611) is amended by adding at the end  
 19 the following:

20 “(3) LAND AVAILABLE AFTER SELECTION PE-  
 21 RIOD.—

22 “(A) DEFINITION OF CORE TOWNSHIP.—  
 23 In this paragraph, the term “core township”  
 24 means the township or townships in which all  
 25 or any part of a Native Village is located.

“(B) CORE TOWNSHIP LAND.—The Secretary may make available for selection land in a core township that was unavailable before December 18, 1974, if—

“(i) there is sufficient remaining entitlement; and

“(ii) the processing and conveyance of the selection can be completed by 2009.

“(C) LAND OUTSIDE CORE TOWNSHIP.—

“(i) IN GENERAL.—Subject to subclause (ii), the Secretary may make available for selection land that—

“(I) is in a township in which a Village Corporation that was unavailable for selection by a Village Corporation before December 18, 1974; and

“(II)(aa) was withdrawn for selection; or

“(bb) is completely surrounded by land withdrawn for selection.

“(ii) CONDITIONS.—The Secretary may make the land described in clause (i) available for selection if—

1 “(I) there is sufficient remaining  
2 entitlement;

3 “(II) the land is contiguous to  
4 land that is owned by or that will be  
5 conveyed to the Village Corporation;  
6 and

7 “(III) the processing and convey-  
8 ance of the selection can be completed  
9 by 2009.

10 “(iii) LIMITATION.—

11 “(I) IN GENERAL.—If the land  
12 described in clause (i) is selected, or  
13 top filed under section 906(e) of the  
14 Alaska National Interest Lands Con-  
15 servation Act (43 U.S.C. 1635(e)) by  
16 the State, not later than 90 days after  
17 the date on which the Secretary noti-  
18 fies the State that the land has be-  
19 come available for selection, the State  
20 may add the parcel to the current  
21 conveyance priority list of the State  
22 on file with the Bureau of Land Man-  
23 agement.

24 “(II) FAILURE TO ADD PARCEL  
25 TO PRIORITY LIST.—Except as pro-

1 vided in subclause (III), if the State  
2 does not add the parcel to the current  
3 conveyance priority list in accordance  
4 with subclause (I)—

5 “(aa) the land shall be  
6 deemed selected by the appro-  
7 priate Village Corporation; and

8 “(bb) the application of the  
9 State shall be rejected.

10 “(III) ELECTION.—Subclause  
11 (II) shall not apply if, not later than  
12 90 days after notification by the Sec-  
13 retary that the land has become avail-  
14 able for selection—

15 “(aa) the Village Corpora-  
16 tion elects not to take the land  
17 that has become available by fil-  
18 ing a written election that—

19 “(AA) declines the se-  
20 lection; and

21 “(BB) relinquishes any  
22 pending selection of the  
23 land; and

1 “(bb) the State has not ex-  
 2 ercised the option of the State to  
 3 take title to the land.

4 “(D) CONDITIONS.—

5 “(i) IN GENERAL.—A conveyance of  
 6 land under subparagraph (B) or (C) shall  
 7 be made—

8 “(I) subject to—

9 “(aa) valid existing rights;  
 10 and

11 “(bb) existing third party in-  
 12 terests;

13 “(II) in accordance with the re-  
 14 quirements applicable to conveyances  
 15 under this Act; and

16 “(III) subject to the reservation  
 17 of an easement for public access in ac-  
 18 cordance with section 17(b) that  
 19 aligns with the easements reserved on  
 20 land adjoining the conveyed land.

21 “(ii) WAIVER OF ACREAGE LIMITA-  
 22 TION.—For purposes of conveying land  
 23 under subparagraphs (B) and (C), the Sec-  
 24 retary may waive the 69,120 acreage limit  
 25 under paragraph (1).

1 “(iii) CONGRESSIONAL ACTION.—Sub-  
 2 paragraphs (B) and (C) shall not apply in  
 3 a case in which Congress has specifically  
 4 provided for the disposition of a tract of  
 5 land in a particular manner.”.

6 **SEC. 202. COMBINED ENTITLEMENTS.**

7 Section 12 of the Alaska Native Claims Settlement  
 8 Act (43 U.S.C. 1611) is amended—

9 (1) in the second sentence of subsection (b), by  
 10 striking “Regional Corporation shall” and inserting  
 11 “Regional Corporation shall, not later than October  
 12 1, 2005,”; and

13 (2) by adding at the end the following:

14 “(f) COMBINED ENTITLEMENTS.—

15 “(1) IN GENERAL.—The entitlements received  
 16 by any Village Corporation under subsection (a) and  
 17 acreage reallocated under subsection (b) may be  
 18 combined, at the discretion of the Secretary, with-  
 19 out—

20 “(A) increasing or decreasing to either en-  
 21 titlement; or

22 “(B) increasing the limitation on selections  
 23 of Wildlife Refuge System land, National For-  
 24 est System land, or State-selected land under  
 25 subsection (a).

1           “(2) SOURCE OF ENTITLEMENT.—The com-  
 2           bined entitlement under paragraph (1) may be ful-  
 3           filled from selections under subsection (a) or (b)  
 4           without regard to the entitlement specified in the se-  
 5           lection application.

6           “(3) ADJUDICATION AND CONVEYANCE.—All  
 7           selections under a combined entitlement shall be ad-  
 8           judicated and conveyed in compliance with this Act.

9           “(4) NO ADDITIONAL PATENTS OR SURVEYS.—  
 10          Except in a case in which is a survey has been con-  
 11          tracted for before the date of enactment of this sub-  
 12          section, the combination of entitlements under para-  
 13          graph (1) shall not require separate patents or sur-  
 14          veys, to distinguish between conveyances made to a  
 15          Village Corporation under subsections (a) and (b).”.

16 **SEC. 203. CONVEYANCE OF LAST WHOLE SECTION.**

17          Section 14(d) of the Alaska Native Claims Settlement  
 18          Act (43 U.S.C. 1613(d)) is amended—

19               (1) by striking “(d) the Secretary” and insert-  
 20               ing the following:

21               “(d) ACREAGE LIMITATIONS.—

22                     “(1) IN GENERAL.—The Secretary”; and

23                     (2) by adding at the end the following:

24                     “(2) CONVEYANCE OF LAST WHOLE SECTION.—



1           “(A) IN GENERAL.—If the calculations of  
2           the Bureau of Land Management relating to  
3           acreage entitlements indicate that an entitle-  
4           ment may be fulfilled by conveying the next  
5           prioritized section to a Village Corporation  
6           (other than a Village Corporation under section  
7           16), the Director of the Bureau of Land Man-  
8           agement and the affected Village or Regional  
9           Corporation may enter into an agreement pro-  
10          viding that all land entitlements under this Act  
11          shall be deemed satisfied by conveyance of a  
12          specifically identified and agreed upon tract of  
13          that land.

14          “(B) REQUIREMENTS.—An agreement en-  
15          tered into under subparagraph (A) shall be—

16               “(i) in writing;

17               “(ii) executed by the Director of the  
18               Bureau of Land Management and the Vil-  
19               lage or Regional Corporation; and

20               “(iii) authorized by a corporate reso-  
21               lution enacted by the affected Village or  
22               Regional Corporation.

23          “(C) NO ADJUSTMENTS TO LAND ENTI-  
24          TLEMENTS.—After execution of an agreement  
25          under subparagraph (A) and conveyance of the

1           agreed upon tract to the affected Village or Re-  
2           gional Corporation—

3                   “(i) the Director of the Bureau of  
4                   Land Management shall not make any fur-  
5                   ther adjustments to calculations relating to  
6                   acreage entitlements of the Village or Re-  
7                   gional Corporation; and

8                   “(ii) the Village or Regional Corpora-  
9                   tion shall not be entitled to any further  
10                  conveyances under this Act.

11                  “(D) LIMITATION.—A Village or Regional  
12                  Corporation shall not be eligible to receive land  
13                  under subparagraph (A) if—

14                   “(i) the Village or Regional Corpora-  
15                   tion has received the full land entitlement  
16                   of the Village or Regional Corporation  
17                   through—

18                           “(I) actual conveyance of the  
19                           land; or

20                           “(II) an agreement; or

21                   “(ii) the final survey boundaries of  
22                   the Village or Regional Corporation’s land  
23                   entitlement have been established.

24                  “(E) EFFECT.—This paragraph does not  
25                  limit or otherwise affect the ability of a Village

1           or Regional Corporation to enter into land ex-  
 2           changes with the United States.”.

3 **SEC. 204. DISCRETIONARY AUTHORITY TO CONVEY SUB-**  
 4 **SURFACE ESTATE IN PRE-ANCSA REFUGES.**

5           Section 14(f) of the Alaska Native Claims Settlement  
 6 Act (43 U.S.C. 1613(f)) is amended—

7           (1) by striking “(f) When the Secretary” and  
 8           inserting the following:

9           “(f) PATENT TO THE SUBSURFACE ESTATE.—

10           “(1) IN GENERAL.—When the Secretary”;

11           (2) by striking “: *Provided*,” and inserting a pe-  
 12           riod;

13           (3) by striking “That the right” and inserting  
 14           the following:

15           “(2) CONSENT OF VILLAGE CORPORATION RE-  
 16           QUIRED.—The right”; and

17           (4) by adding at the end the following:

18           “(3) OFFERING OF CERTAIN SUBSURFACE ES-  
 19           TATES IN REFUGE LAND.—The subsurface estate be-  
 20           neath the surface estate conveyed to a Village Cor-  
 21           poration in a National Wildlife Refuge in existence  
 22           on December 18, 1971 (except the Kenai National  
 23           Wildlife Refuge and the Kodiak National Wildlife  
 24           Refuge), may, at the discretion of the Secretary, be  
 25           offered to the appropriate Regional Corporation as

1 an alternative to the selection of the subsurface es-  
 2 tate under section 12(a)(1).”.

3 **SEC. 205. CONVEYANCE OF CEMETERY SITES AND HISTOR-**  
 4 **ICAL PLACES.**

5 Section 14(h)(1) of the Alaska Native Claims Settle-  
 6 ment Act (43 U.S.C. 1613(h)(1)) is amended—

7 (1) by striking “(1) The Secretary” and insert-  
 8 ing the following:

9 “(1) CEMETERY SITES AND HISTORICAL  
 10 PLACES.—

11 “(A) IN GENERAL.—The Secretary”;

12 (2) by striking “Only title” and inserting the  
 13 following:

14 “(B) LAND LOCATED IN A WILDLIFE REF-  
 15 UGE.—Only title”; and

16 (3) by adding at the end the following:

17 “(C) WAIVER OF ACREAGE ALLOCA-  
 18 TIONS.—

19 “(i) IN GENERAL.—Notwithstanding  
 20 acreage allocations made before the date of  
 21 enactment of this subparagraph, the Sec-  
 22 retary may convey any cemetery site or  
 23 historical place—

24 “(I) with respect to which there  
 25 is an application on record with the

1 Secretary on the date of enactment of  
2 this paragraph; and

3 “(II) that is eligible for convey-  
4 ance.

5 “(ii) APPLICABILITY.—Clause (i) shall  
6 apply to any of the 188 closed applications  
7 that are determined to be eligible and rein-  
8 stated under Secretarial Order No. 3220  
9 dated January 5, 2001.

10 “(D) NO REINSTATEMENT.—No applica-  
11 tions submitted for the conveyance of land  
12 under subparagraph (A) that were closed before  
13 the date of enactment of this paragraph may be  
14 reinstated other than those specified in sub-  
15 paragraph (C)(ii).

16 “(E) NO NEW APPLICATIONS OR AMEND-  
17 MENTS.—After the date of enactment of this  
18 paragraph—

19 “(i) no application may be filed for  
20 the conveyance of land under subpara-  
21 graph (A); and

22 “(ii) no pending application may be  
23 amended to include additional land under  
24 that subparagraph.

1           “(F) NO WAIVER OF REGULATIONS.—The  
2           Secretary shall not waive any regulations relat-  
3           ing to withdrawals and conveyances under sub-  
4           paragraph (A).

5           “(G) REQUIREMENTS APPLICABLE TO AP-  
6           PLICATIONS FOR HISTORIC PLACES.—Unless,  
7           not later than 1 year after the date of enact-  
8           ment of this paragraph, a Regional Corporation  
9           that has filed an application for a historic place  
10          submits to the Secretary a statement on the  
11          significance of and the location of the historic  
12          place—

13                 “(i) the application shall not be valid;  
14                 and

15                 “(ii) the Secretary shall reject the ap-  
16                 plication.

17          “(H) RELINQUISHMENT.—A Regional Cor-  
18          poration may elect to relinquish eligible ceme-  
19          tery sites or historical places located within the  
20          boundaries of a conservation system unit (as  
21          defined in section 102 of the Alaska National  
22          Interest Lands Conservation Act (16 U.S.C.  
23          3102)) on the execution of an agreement be-  
24          tween the Federal land management agency

1 and the affected Regional Corporation that de-  
 2 scribes—

3 “(i) the statutory responsibilities of  
 4 the Federal land management agency with  
 5 respect to protecting the cemetery site or  
 6 historical place that is relinquished; and

7 “(ii) any other terms to which the  
 8 Federal land management agency and Re-  
 9 gional Corporation agree.

10 “(I) NO RESERVATION OF EASEMENT.—  
 11 Section 17(b)(3) shall not apply to cemetery  
 12 sites or historical places conveyed under sub-  
 13 paragraph (A), but a conveyance under that  
 14 paragraph shall be subject to an easement for  
 15 roads and trails in existence at the time of con-  
 16 veyance.”.

17 **SEC. 206. APPROVED ALLOTMENTS.**

18 Section 14(h)(6) of the Alaska Native Claims Settle-  
 19 ment Act (43 U.S.C. 1613(h)(6)) is amended—

20 (1) by striking “(6) The Secretary” and insert-  
 21 ing the following:

22 “(6) APPROVED ALLOTMENTS.—

23 “(A) IN GENERAL.—The Secretary”;

24 (2) by striking “this Act;” and inserting “this  
 25 Act, a total of 184,663 acres, as described in the re-

1 port entitled ‘Audit Summary ANCSA 14(h)(6)  
 2 Acreage’, dated July 1983, and in 48 Fed. Reg.  
 3 37086 (August 16, 1983).”;

4 (3) by striking “Any minerals” and inserting  
 5 the following:

6 “(B) MINERAL RESERVATIONS.—

7 “(i) IN GENERAL.—Any minerals”;

8 and

9 (4) by inserting after subparagraph (B)(i) (as  
 10 redesignated by paragraph (3)) the following:

11 “(ii) ELECTION.—With respect to re-  
 12 served mineral estates that are located  
 13 partly in an area that qualifies for in-lieu  
 14 subsurface selection, the Regional Corpora-  
 15 tion may elect to take the reserved min-  
 16 erals in the entire allotment or to take the  
 17 entire acreage as in-lieu.

18 “(iii) NO SUBDIVISION.—United  
 19 States surveys shall not be subdivided to  
 20 accommodate conveyance of a reserved  
 21 mineral estate under this subparagraph.”.

22 **SEC. 207. ALLOCATIONS BASED ON POPULATION.**

23 Section 14(h)(8) of the Alaska Native Claims Settle-  
 24 ment Act (43 U.S.C. 1613(h)(8)) is amended—



1           (1) by striking “(8)(A) Any portion” and in-  
 2       serting the following:

3           “(8) ALLOCATIONS BASED ON POPULATION.—

4                   “(A) IN GENERAL.—Any portion”;

5           (2) by striking “(B) Such allocation” and in-  
 6       serting the following:

7                   “(B) ALLOCATION FOR SOUTHEASTERN  
 8       ALASKA.—Such allocation”; and

9           (3) by adding at the end the following:

10                   “(C) ALTERNATIVE METHODS OF DIS-  
 11       TRIBUTION.—

12                   “(i) IN GENERAL.—In lieu of an allo-  
 13       cation in accordance with the method of  
 14       distribution under subparagraph (A), a Re-  
 15       gional Corporation may elect to receive an  
 16       allocation in accordance with clause (ii) or  
 17       (iii).

18                   “(ii) PERCENTAGE SHARE.—

19                   “(I) IN GENERAL.—A Regional  
 20       Corporation eligible for an additional  
 21       allocation under subparagraph (A)  
 22       may irrevocably elect, not later than 1  
 23       year after the date of enactment of  
 24       this subparagraph, to take the Re-  
 25       gional Corporation’s percentage share

1 of an additional 255,000 acres above  
2 any acreage allocated as of January 1,  
3 2003.

4 “(II) WAIVER.—Any Regional  
5 Corporation electing to take a per-  
6 centage share under subclause (I)  
7 shall waive any additional gain or loss  
8 that the Regional Corporation may  
9 have been eligible to receive under  
10 subparagraph (A).

11 “(iii) SETTLEMENT AGREEMENT.—

12 “(I) IN GENERAL.—A Regional  
13 Corporation eligible to participate in  
14 an additional allocation under sub-  
15 paragraph (A) may irrevocably elect,  
16 not later than 1 year after the date of  
17 enactment of this subparagraph, to  
18 enter into good faith negotiations with  
19 the Secretary for a settlement agree-  
20 ment relating to the Regional Cor-  
21 poration’s entitlement under subpara-  
22 graph (A).

23 “(II) REQUIREMENTS.—An  
24 agreement entered into under sub-  
25 clause (I) shall—

1           “(aa) establish the number  
2 of acres to be allocated to the Re-  
3 gional Corporation, which shall  
4 be considered to be the remaining  
5 entitlement of the Regional Cor-  
6 poration; and

7           “(bb) provide that the  
8 United States and the Regional  
9 Corporation agree to waive any  
10 additional gain or loss that would  
11 have been available under sub-  
12 paragraph (A).

13           “(III) DEADLINE FOR AGREE-  
14 MENT.—A Regional Corporation shall  
15 have not later than the date that is 2  
16 years after the date of enactment of  
17 this subparagraph to reach a final  
18 agreement with the Secretary under  
19 this clause.

20           “(IV) NO AGREEMENT.—If an  
21 agreement is not executed by the date  
22 specified in clause (III)—

23           “(aa) the authority of the  
24 Secretary to enter into such an  
25 agreement shall terminate; and

1 “(bb) any allocations of enti-  
 2 tlements under subparagraph (A)  
 3 of the Regional Corporation shall  
 4 be deferred until the date on  
 5 which all allocations under this  
 6 subsection are completed.

7 “(iv) APPLICABILITY.—This subpara-  
 8 graph shall not apply to—

9 “(I) Cook Inlet Region Incor-  
 10 porated and Koniag, Inc.; or

11 “(II) any Regional Corporation  
 12 that has entered into a prior agree-  
 13 ment relating to the entitlement of the  
 14 Regional Corporation under subpara-  
 15 graph (A), the terms of which would  
 16 be modified or negated by the agree-  
 17 ment entered into under clause (iii).”.

18 **SEC. 208. AUTHORITY TO WITHDRAW LAND.**

19 Section 14(h)(10) of the Alaska Native Claims Settle-  
 20 ment Act (43 U.S.C. 1613(h)(10)) is amended—

21 (1) by striking “(10) Notwithstanding” and in-  
 22 serting the following:

23 “(10) WITHDRAWALS.—

24 “(A) IN GENERAL.—Notwithstanding”;

25 and

(2) by adding at the end the following:

“(B) SELECTIONS NOT ON FILE.—If a Regional Corporation does not have enough valid selections on file to fulfill the remaining entitlement of the Regional Corporation under subsection (a) or (b), the Secretary may use the withdrawal authority under subparagraph (A) to withdraw land for selection and conveyance to the Regional Corporation to fulfill that entitlement, except that the Secretary may not withdraw land located within the boundaries of a conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)).”.

**SEC. 209. BUREAU OF LAND MANAGEMENT LAND.**

(a) CLASSIFICATION.—

(1) IN GENERAL.—Notwithstanding revocation of a withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)), the Secretary may classify or reclassify any land administered by the Bureau of Land Management in the State to open or close the land to any form of appropriation or use under the public land laws.

1           (2) JUDICIAL REVIEW.—A decision to classify  
2           or reclassify land under paragraph (1) shall not be  
3           subject to judicial review.

4           (b) WITHDRAWN LAND.—Land in the State adminis-  
5           tered by the Bureau of Land Management that is with-  
6           drawn under section 17(d)(1) of the Alaska Native Claims  
7           Settlement Act (43 U.S.C. 1616(d)(1)), but not otherwise  
8           withdrawn or reserved, may be opened, without environ-  
9           mental review, to all forms of appropriation under the  
10          public land laws, including location and entry under the  
11          Mining Law of 1872 (30 U.S.C. 22 et seq.), by publication  
12          of a classification order in the Federal Register.

13          (c) LAND INCLUDED IN AN APPROVED RESOURCE  
14          MANAGEMENT OR LAND USE PLAN.—Land that is in-  
15          cluded in an approved resource management or land use  
16          plan and that is not segregated (including land in the  
17          Steese National Conservation Area) may be opened or  
18          closed to location and entry under the Mining Law of 1872  
19          (30 U.S.C. 22 et seq.) and under the Mineral Leasing Act  
20          (30 U.S.C. 181 et seq.), consistent with the plan, by publi-  
21          cation in the Federal Register of a classification order that  
22          describes—

23                 (1) the land to be opened;

24                 (2) the public land laws to which the opening  
25          applies; and

1 (3) the effective date of the opening.

2 **SEC. 210. AUTOMATIC SEGREGATION OF LAND FOR UNDER-**  
 3 **SELECTED VILLAGE CORPORATIONS.**

4 Section 22(j) of the Alaska Native Claims Settlement  
 5 Act (43 U.S.C. 1621(j)) is amended by adding at the end  
 6 the following:

7 “(3) AGREEMENT.—In lieu of withdrawal under  
 8 paragraph (2), land may be segregated from all  
 9 other forms of appropriation for the purposes de-  
 10 scribed in that paragraph if—

11 “(A) the Secretary and the Village Cor-  
 12 poration enter into an agreement identifying  
 13 the land for selection; and

14 “(B) the Village Corporation files an appli-  
 15 cation for selection of the land.”.

16 **SEC. 211. PROCEDURES RELATING TO DISSOLVED OR**  
 17 **LAPSED NATIVE CORPORATIONS.**

18 Section 22 of the Alaska Native Claims Settlement  
 19 Act (43 U.S.C. 1621) is amended by adding at the end  
 20 the following:

21 “(n) DISSOLVED OR LAPSED NATIVE CORPORA-  
 22 TIONS.—

23 “(1) IN GENERAL.—Not later than the date  
 24 that is 2 years after the date of enactment of this  
 25 subsection, a Native Corporation entitled to receive

1 land under this Act that has allowed the corporate  
2 status of the Native Corporation to lapse or has oth-  
3 erwise dissolved or ceased to do business, may, in  
4 accordance with State law, reestablish the Native  
5 Corporation.

6 “(2) CONVEYANCE.—If the Native Corporation  
7 is not reestablished by the date described in sub-  
8 section (a) or allows the corporate status of the Na-  
9 tive Corporation to lapse after that date, the remain-  
10 ing entitlement of the Native Corporation, if any,  
11 shall be conveyed to the Regional Corporation, sub-  
12 ject to the condition that the land not be sold or oth-  
13 erwise alienated to any other person or entity other  
14 than the Village Corporation for a period of at least  
15 12 years.

16 “(3) EFFECT.—After the Regional Corporation  
17 assumes responsibility for administering the assets  
18 for a lapsed or dissolved Native Corporation, the Re-  
19 gional Corporation may—

20 “(A) file relinquishments of selections;

21 “(B) return land to the United States to  
22 accommodate an allotment;

23 “(C) reprioritize land selections before the  
24 deadline in section 404 of the Alaska Land  
25 Transfer Acceleration Act of 2003;



1           “(D) negotiate settlement of remaining en-  
2           tlement under section 212 of the Alaska Land  
3           Transfer Acceleration Act of 2003; and

4           “(E) take any appropriate actions to bring  
5           the lapsed or dissolved Native Corporation into  
6           compliance with State law.

7           “(4) REESTABLISHMENT UNDER STATE LAW.—  
8           If the lapsed or dissolved Native Corporation rees-  
9           tablishes itself under State law, on petition from the  
10          reestablished Native Corporation, the property con-  
11          veyed to the Regional Corporation from the reestab-  
12          lished Native Corporation’s prior entitlement shall  
13          be conveyed by the Regional Corporation to the rees-  
14          tablished Native Corporation.

15          “(5) PRIORITIES.—If a lapsed or dissolved Na-  
16          tive Corporation fails to establish, by the  
17          prioritization deadlines established by the Alaska  
18          Land Transfer Acceleration Act of 2003, irrevocable  
19          final priorities in accordance with section 404 of  
20          that Act, the Regional Corporation shall establish  
21          the priorities by the deadline established by section  
22          404 of that Act.”.

1 **SEC. 212. SETTLEMENT OF REMAINING ENTITLEMENT.**

2 (a) IN GENERAL.—The Secretary may enter into a  
3 binding, written agreement with any Native Corporation  
4 relating to—

5 (1) the land remaining to be conveyed to the  
6 Native Corporation under the Alaska Native Claims  
7 Settlement Act (43 U.S.C. 1601 et seq.);

8 (2) the priority in which the land is to be con-  
9 veyed;

10 (3) the relinquishment of selections which are  
11 not to be conveyed;

12 (4) the selection entitlement to which selections  
13 are to be charged, regardless of the entitlement  
14 under which originally selected;

15 (5) the survey of the exterior boundaries of the  
16 land to be conveyed;

17 (6) the additional survey to be performed under  
18 section 14(c) of the Alaska Native Claims Settle-  
19 ment Act (43 U.S.C. 1613(c));

20 (7) the resolution of conflicts with Native allot-  
21 ment applications; and

22 (8) any other matters that may facilitate the  
23 conveyance to the Native Corporation.

24 (b) REQUIREMENTS.—An agreement under sub-  
25 section (a)—

1           (1) shall be authorized in a corporate resolution  
2           of the Native Corporation subject to the agreement;  
3           and

4           (2) shall include a statement that the entitle-  
5           ment of the Native Corporation shall be considered  
6           complete on execution of the agreement.

7           (c) RESERVATION OF EASEMENTS.—In an agreement  
8           under subsection (a), the Secretary may—

9           (1) reserve easements under subsection (b) of  
10          section 17 of the Alaska Native Claims Settlement  
11          Act (43 U.S.C. 1616(b));

12          (2) realign easements reserved under that sub-  
13          section before the date of enactment of this Act; and

14          (3) correct conveyance documents to reflect the  
15          reservation of easements under that subsection.

16          (d) CONSULTATION.—Before entering into an agree-  
17          ment under subsection (a), the Secretary shall consult  
18          with the head of the agency administering the land to be  
19          conveyed and the State.

20          (e) ERRORS.—Any Native Corporation entering into  
21          an agreement under subsection (a) shall receive any gain  
22          or bear any loss arising out of errors in prior surveys, pro-  
23          traction diagrams, or computation of the ownership of  
24          third parties on any land conveyed.

25          (f) EFFECT.—

1 (1) IN GENERAL.—An agreement under sub-  
 2 section (a) shall not—

3 (A) affect the obligations of Native Cor-  
 4 porations under prior agreements; or

5 (B) result in a Native Corporation relin-  
 6 quishing valid selections of land in order to  
 7 qualify for the withdrawal of other tracts of  
 8 land.

9 (2) EFFECT ON SUBSURFACE RIGHTS.—The  
 10 terms of an agreement entered into by the Secretary  
 11 and a Village Corporation or other Native Corpora-  
 12 tion under subsection (a) shall be binding on a Re-  
 13 gional Corporation with respect to the location and  
 14 quantity of subsurface rights of the Regional Cor-  
 15 poration under section 14(f) of the Alaska Native  
 16 Claims Settlement Act (43 U.S.C. 1613(f)).

17 **SEC. 213. CONVEYANCE TO KAKTOVIK INUPIAT CORPORA-**  
 18 **TION AND ARCTIC SLOPE REGIONAL COR-**  
 19 **PORATION.**

20 Notwithstanding section 1302(h)(2) of the Alaska  
 21 National Interest Lands Conservation Act (16 U.S.C.  
 22 3192(h)(2)), the Secretary shall convey—

23 (1) to the Kaktovik Inupiat Corporation the  
 24 surface estate of the land described in paragraph (1)  
 25 of Public Land Order 6959—

1 (A) to the extent necessary to fulfill the  
 2 Corporation's entitlement under section 12 of  
 3 the Alaska Native Claims Settlement Act (43  
 4 U.S.C. 1611); and

5 (B) in accordance with the terms and con-  
 6 ditions of the Agreement between the Depart-  
 7 ment of the Interior, the United States Fish  
 8 and Wildlife Service, the Bureau of Land Man-  
 9 agement, and the Kaktovik Inupiat Corporation  
 10 effective January 22, 1993; and

11 (2) to the Arctic Slope Regional Corporation  
 12 the remaining subsurface estate to which the Re-  
 13 gional Corporation is entitled under the August 9,  
 14 1983, agreement between the Arctic Slope Regional  
 15 Corporation and the United States.

## 16 **TITLE III—NATIVE ALLOTMENTS**

### 17 **SEC. 301. TITLE AFFIRMATION OF NATIVE ALLOTMENT LO-** 18 **CATION AND DESCRIPTION.**

19 Section 18 of the Alaska Native Claims Settlement  
 20 Act (43 U.S.C. 1617) is amended by adding at the end  
 21 the following:

22 “(d) TITLE AFFIRMATION.—

23 “(1) IN GENERAL.—The Secretary may correct  
 24 a conveyance to a Native Corporation or to the State  
 25 that includes land described in a valid allotment ap-

1 plication to exclude the described allotment land  
2 with the written concurrence of the Native Corpora-  
3 tion or the State.

4 “(2) CONCURRENCE.—A written concurrence  
5 shall—

6 “(A) include a finding that the land de-  
7 scription proposed by the Secretary is accept-  
8 able; and

9 “(B) attest that the Native Corporation or  
10 the State has not—

11 “(i) granted any third party rights or  
12 taken any other action that would affect  
13 the ability of the United States to convey  
14 full title under the Act of May 17, 1906  
15 (34 Stat. 197, chapter 2469); and;

16 “(ii) stored or allowed the deposit of  
17 hazardous waste on the land.

18 “(3) CORRECTED DOCUMENT.—On receipt of  
19 an acceptable written concurrence, the Alaska State  
20 Office of the Bureau of Land Management shall—

21 “(A) issue a corrected conveyance docu-  
22 ment to the State or Native Corporation, as ap-  
23 propriate; and

24 “(B) issue a certificate of allotment to the  
25 allotment applicant.

1           “(4) NO OTHER DOCUMENTATION REQUIRED.—  
 2       No documents of reconveyance from the State or an  
 3       Alaska Native Corporation or evidence of title, other  
 4       than the written concurrence and attestation de-  
 5       scribed in paragraph (1), are necessary to use the  
 6       procedures authorized by this subsection.

7           “(5) EFFECT ON LIABILITY.—Nothing in this  
 8       section relieves the State, the United States, or any  
 9       other entity of any existing liability under Federal or  
 10      State law arising out of the presence or release of  
 11      hazardous or toxic substances or solid wastes nor  
 12      shall the United States be subject to such liability  
 13      under applicable laws solely as a result of taking any  
 14      actions under this subsection.”.

15 **SEC. 302. TITLE RECOVERY OF NATIVE ALLOTMENTS**

16       (a) IN GENERAL.—If the State or any Native Cor-  
 17      poration does not elect to take advantage of the title affir-  
 18      mation process available under subsection (d) of section  
 19      18 of the Alaska Native Claims Settlement Act (as added  
 20      by section 301), the State or any Native Corporation may  
 21      quitclaim, by a date certain established by the Secretary,  
 22      all or any part of its interest in the land encompassed by  
 23      an allotment claim by tendering a valid and appropriate  
 24      deed to the United States.

1 (b) ACCEPTANCE OF DEED BY UNITED STATES.—

2 The United States may accept the deed if the United  
3 States determines that the issuance of an allotment is ap-  
4 propriate based on evidence of record with the Bureau of  
5 Land Management or attestation of the State or Native  
6 Corporation as to the use of the land by the allotment  
7 applicant.

8 (c) OFFERING OF ALTERNATE LAND.—The State,  
9 under the authority granted in section 18(c) of the Alaska  
10 Native Claims Settlement Act (43 U.S.C. 1617(c)), or a  
11 Native Corporation under the authority granted in section  
12 303, may elect to offer land other than those encompassed  
13 by the allotment claim in substitution for the originally  
14 described land.

15 (d) ACCEPTANCE OF DEED BY APPLICANT.—Before  
16 the acceptance of the title by the United States, the Sec-  
17 retary shall provide the applicant or the personal rep-  
18 resentative of a deceased applicant 90 days to accept the  
19 offered deed.

20 (e) ACCEPTANCE BY UNITED STATES.—On receipt of  
21 the applicant's acceptance, the Secretary may accept the  
22 quitclaim deed and issue the allotment.

23 (f) BINDING EFFECT.—The allottee shall be bound  
24 by the terms and conditions of the conveyance to the



1 United States and the conveyance to the allottee by the  
2 United States.

3 (g) SURVEY.—If acceptance by the applicant is not  
4 received by the Bureau of Land Management, Alaska  
5 State Office, within the 90-day time period provided under  
6 subsection (d), the United States shall, with the permis-  
7 sion of the landowner, survey the boundaries of the allot-  
8 ment claim on file with the Secretary to fix in an irrev-  
9 ocable manner the location of the claim.

10 (h) NO DOCUMENTATION REQUIRED.—When the  
11 Secretary reacquires title to land from a Native Corpora-  
12 tion or the State for the purpose of conveying an allot-  
13 ment, there shall be no requirement to prepare a certifi-  
14 cate of inspection and possession or to perform a haz-  
15 ardous materials inspection prior to the acceptance of the  
16 reconveyance to the United States or conveyance to the  
17 Native allotment applicant.

18 (i) NO LIABILITY.—The United States shall not be  
19 liable for any contamination on the land solely by virtue  
20 of reacquiring title or conveying the allotment.

1 **SEC. 303. NATIVE ALLOTMENT RELOCATION ON LAND SE-**  
 2 **LECTED BY OR CONVEYED TO A NATIVE COR-**  
 3 **PORATION.**

4 Section 18 of the Alaska Native Claims Settlement  
 5 Act (43 U.S.C. 1617) (as amended by section 301) is  
 6 amended by adding at the end the following:

7 “(e) AMENDMENT OF LAND DESCRIPTION.—

8 “(1) IN GENERAL.—An allotment applicant who  
 9 had a valid application pending before the Depart-  
 10 ment of the Interior on December 18, 1971, and  
 11 whose application is still open on the records of the  
 12 Secretary as of the date of enactment of this sub-  
 13 section may amend the land description in the appli-  
 14 cation to describe land other than the land that the  
 15 applicant originally intended to claim if—

16 “(A) the application—

17 “(i) describes land selected by or con-  
 18 veyed by interim conveyance or patent to a  
 19 Native Corporation formed to receive bene-  
 20 fits under this Act; or

21 “(ii) otherwise conflicts with an inter-  
 22 est in land granted to a Native Corpora-  
 23 tion by the United States;

24 “(B) the amended land description de-  
 25 scribes land selected by or conveyed by interim  
 26 conveyance or patent to a Native Corporation of

1 approximately equal acreage in substitution for  
2 the land described in the original application;  
3 and

4 “(C) the Native Corporation, or its suc-  
5 cessor in interest, that selected the land or re-  
6 ceived an interim conveyance or patent for the  
7 land, provides a corporate resolution author-  
8 izing reconveyance or relinquishment to the  
9 United States of the land, or interest in land,  
10 described in the amended application.

11 “(2) RIGHT OF FIRST REFUSAL.—

12 “(A) IN GENERAL.—The allotment appli-  
13 cant and the Native Corporation may agree  
14 that the Native Allotment Certificate, when  
15 issued, shall contain a right of first refusal al-  
16 lowing the Native Corporation to match any  
17 offer to buy the allotted land at or over ap-  
18 praised value, with approval of an authorized  
19 official of the Bureau of Indian Affairs, within  
20 30 days of notice of intent to accept an offer.

21 “(B) FILING.—Any agreement to make the  
22 allotment subject to such a right of first refusal  
23 shall be in writing and shall be filed with the  
24 Alaska State Office of the Bureau of Land  
25 Management. The right of first refusal shall not

1           apply to transfers of the land to family mem-  
2           bers or to transfers by gift deed.

3           “(3) CONCURRENCE REQUIRED.—If an applica-  
4           tion pending before the Department of the Interior  
5           as described in paragraph (1) describes land selected  
6           by, but not conveyed by interim conveyance or pat-  
7           ent to a Native Corporation, the concurrence of an  
8           authorized official of the Bureau of Land Manage-  
9           ment and regional head of the managing Federal  
10          agency if different than the Bureau of Land Man-  
11          agement shall be required in order for an application  
12          to proceed under this section.

13          “(4) NATIVE ALLOTMENT CERTIFICATE.—

14                 “(A) IN GENERAL.—On acceptance of a re-  
15                 conveyance or relinquishment from a Native  
16                 Corporation under paragraph (1), the Secretary  
17                 shall issue a native allotment certificate to the  
18                 applicant for the land reconveyed or relin-  
19                 quished by the Native Corporation.

20                 “(B) INCLUSIONS.—The Native Allotment  
21                 Certificate shall include a right of first refusal  
22                 if a written copy of an agreement to include  
23                 such provision is filed with the Alaska State Of-  
24                 fice of the Bureau of Land Management prior  
25                 to issuance of the Native Allotment Certificate.

1                   “(C) RESERVATIONS.—Any allotment relo-  
 2                   cated under this section shall, when allotted, be  
 3                   made subject to any easement, trail, or right-of-  
 4                   way in existence on the relocated allotment land  
 5                   on the date of relocation.”.

6 **SEC. 304. COMPENSATORY ACREAGE.**

7           (a) IN GENERAL.—The Secretary shall adjust the  
 8           acreage entitlement computation records for the State of  
 9           Alaska or an affected Native Corporation to account for  
 10          any difference in the amount of acreage between the cor-  
 11          rected description and the previous description in any con-  
 12          veyance document as a result of actions taken under sec-  
 13          tion 18(d) of the Alaska Native Claims Settlement Act (as  
 14          added by section 301), section 302, or section 18(e) of  
 15          the Alaska Native Claims Settlement Act (as added by sec-  
 16          tion 303), or for other voluntary reconveyances to the  
 17          United States for the purpose of facilitating timely com-  
 18          pletion of land transfer in Alaska.

19          (b) LIMITATION.—No adjustment to the acreage con-  
 20          veyance computations shall be made where the State of  
 21          Alaska or an affected Native Corporation retains a partial  
 22          estate in the described allotment land.

23          (c) AVAILABILITY OF ADDITIONAL LAND.—If, as a  
 24          result of implementation under section 18(d) of the Alaska  
 25          Native Claims Settlement Act (as added by section 301)

1 or section 302, a Village Corporation has insufficient re-  
 2 maining selections from which to receive its full entitle-  
 3 ment under the Alaska Native Claims Settlement Act, the  
 4 Secretary has sole and unreviewable discretion to use the  
 5 authority and procedures available under section 22(j)(2)  
 6 of the Alaska Native Claims Settlement Act (43 U.S.C.  
 7 1621(j)(2)) and section 207 to make additional land avail-  
 8 able for selection by the Village Corporation.

9 **SEC. 305. NATIVE ALLOTMENT DEADLINES.**

10 Section 18 of the Alaska Native Claims Settlement  
 11 Act (43 U.S.C. 1617) (as amended by section 303) is  
 12 amended by adding at the end the following:

13 “(f) REQUEST FOR REINSTATEMENT.—

14 “(1) IN GENERAL.—An applicant for a Native  
 15 allotment filed under the Act of May 17, 1906 (34  
 16 Stat. 197, chapter 2469) or filed under section 41  
 17 of this Act shall be entitled to have the Secretary ac-  
 18 cept a reinstatement of a previously closed Native al-  
 19 lotment application or to accept a reconstructed copy  
 20 of an application claimed to have been timely filed  
 21 with an agency of the Department of the Interior,  
 22 only if the applicant filed a request for reinstate-  
 23 ment or acceptance of a reconstructed application  
 24 with the Alaska State Office, Bureau of Land Man-

1       agement, before the date of enactment of this sub-  
2       section.

3               “(2) REQUIREMENTS.—No request to accept a  
4       Native allotment application as timely filed, sub-  
5       mitted before the date of enactment of this sub-  
6       section, shall be granted unless the request or appli-  
7       cation contains—

8               “(A) the name of the person to whom the  
9       application was originally given;

10              “(B) the Department of the Interior Bu-  
11       reau for whom that person worked;

12              “(C) the month and year in which the ap-  
13       plication was originally submitted;

14              “(D) the place at which the application  
15       was originally submitted (address or specific lo-  
16       cation, more than the community’s name);

17              “(E) a complete application, including—

18                      “(i) the date of commencement of  
19       qualifying use and occupancy;

20                      “(ii) a description of the land for  
21       which the application is being made;

22                      “(iii) a map sufficient to locate the  
23       property on the ground; and

24                      “(iv) at least 2 written statements  
25       from knowledgeable individuals attesting to

1           the applicant's qualifying use and occu-  
2           pancy of the land described in the applica-  
3           tion;

4           “(F) a written explanation setting forth all  
5           information known concerning the original fil-  
6           ing of the application and the reasons that the  
7           application was not forwarded when originally  
8           submitted, if known, which explanation shall  
9           not include any additional information or ex-  
10          planatory material that was filed after the date  
11          of enactment of this Act; and

12          “(G) sworn statements from at least 2  
13          knowledgeable individuals, with their current  
14          addresses, who will not benefit from the grant-  
15          ing of the Native allotment application, attest-  
16          ing to the fact that an application for Native al-  
17          lotment was originally filed as set forth in the  
18          request, not including any additional witness  
19          statements or supplementation of the previously  
20          submitted statements.

21          “(3) PROHIBITION ON REOPENING OF APPLICA-  
22          TION.—No application for a Native allotment that  
23          was closed, whether through relinquishment, denial  
24          or otherwise, under the laws (including regulations)  
25          that existed as of the date of closure, shall be re-



1 opened after the date of enactment of this sub-  
 2 section.

3 “(4) VOLUNTARY RECONVEYANCE.—The  
 4 United States—

5 “(A) may seek voluntary reconveyance of  
 6 any land described in a application that is re-  
 7 opened, accepted, or is reconstructed that is ac-  
 8 cepted as timely filed after the date of enact-  
 9 ment of this Act; but

10 “(B) shall not file an action in any court  
 11 to recover title from a current landowner.

12 “(5) EXCEPTION.—Except as otherwise pro-  
 13 vided in this subsection, after the date of enactment  
 14 of this subsection, no requests to amend an allot-  
 15 ment description may be granted unless the request  
 16 is initiated by the Secretary in order to conform the  
 17 allotment description to its on-the-ground or sur-  
 18 veyed description.”.

19 **SEC. 306. ELIMINATION OF SHORE SPACE MEASUREMENT.**

20 Section 18 of the Alaska Native Claims Settlement  
 21 Act (43 U.S.C. 1617) (as amended by section 305) is  
 22 amended by adding at the end the following:

23 “(g) APPLICABILITY OF SHORE SPACE MEASURE-  
 24 MENT REQUIREMENT.—Section 2094 of part 43, Code of  
 25 Federal Regulations, (relating to Shore Space) shall not

1 apply to Native allotment applications which are required  
 2 to be adjudicated under the Act of May 17, 1906 (34 Stat.  
 3 197, chapter 2469), if the land has been surveyed before  
 4 the date of enactment of this Act or has been the subject  
 5 of a field examination, before the date of enactment of  
 6 this subsection, which did not recommend adjustment of  
 7 the land that is the subject of the application due to exces-  
 8 sive shore space.”.

9 **SEC. 307. AMENDMENTS TO SECTION 41 OF THE ALASKA**  
 10 **NATIVE CLAIMS SETTLEMENT ACT.**

11 Section 41(b) of the Alaska Native Claims Settlement  
 12 Act (43 U.S.C. 1629g(b)) is amended—

13 (1) in paragraph (1)(A), by inserting before the  
 14 semicolon at the end the following: “(except that the  
 15 term ‘nonmineral’, as used in that Act, shall for the  
 16 purpose of this subsection, include land valuable for  
 17 deposits of sand or gravel except for claims describ-  
 18 ing land within the National Park System)”; and

19 (2) in paragraph (2)—

20 (A) by redesignating subparagraphs (A),  
 21 (B), and (C) as clauses (i), (ii), and (iii), re-  
 22 spectively;

23 (B) by inserting “(A)” after “(2)”;

24 (C) in clause (ii) (as redesignated by sub-  
 25 paragraph (A)), by inserting after “Department

1 of Veterans Affairs” the following: “or based on  
2 other evidence acceptable to the Secretary of  
3 the Interior”; and

4 (D) by adding at the end the following:

5 “(B)(i) If the Secretary requests that the Sec-  
6 retary of Veterans Affairs make a determination  
7 whether a veteran died as a direct consequence of a  
8 wound received in action, the Secretary of Veterans  
9 Affairs shall, within 60 days of receipt of the re-  
10 quest—

11 “(I) provide a determination to the Sec-  
12 retary if the records of the Department of Vet-  
13 erans Affairs contain sufficient information to  
14 support such a determination; or

15 “(II) notify the Secretary that the records  
16 of the Department of Veterans Affairs do not  
17 contain sufficient information to support a de-  
18 termination and that further investigation will  
19 be necessary.

20 “(ii) Not later than 1 year after notification to  
21 the Secretary that further investigation is necessary,  
22 the Department of Veterans Affairs shall complete  
23 the investigation and provide a determination to the  
24 Secretary.”.

1 **TITLE IV—FINAL PRIORITIES;**  
2 **CONVEYANCE AND SURVEY**  
3 **PLANS**

4 **SEC. 401. DEADLINE FOR ESTABLISHMENT OF REGIONAL**  
5 **PLANS.**

6 (a) IN GENERAL.—Not later than 18 months after  
7 the date of enactment of this Act, the Director of the Bu-  
8 reau of Land Management (referred to in this title as the  
9 “Director”), in coordination and consultation with Native  
10 Corporations, Federal land management agencies, and the  
11 State, shall update and revise the 12 preliminary Regional  
12 Conveyance and Survey Plans.

13 (b) INCLUSIONS.—The updated and revised plans  
14 under subsection (a) shall identify any conflicts to be re-  
15 solved and recommend any actions that should be taken  
16 to facilitate the finalization of land conveyances in a re-  
17 gion by 2009.

18 **SEC. 402. DEADLINES FOR ESTABLISHMENT OF VILLAGE**  
19 **PLANS.**

20 Not later than 30 months after the date of enactment  
21 of this Act, the Director, in coordination with affected  
22 Federal land management agencies, the State, and Village  
23 Corporations, shall complete a final closure plan with re-  
24 spect to the entitlements for each Village Corporation

1 under the Alaska Native Claims Settlement Act (43  
2 U.S.C. 1601 et seq.).

3 **SEC. 403. FINAL PRIORITIZATION OF ANCSA SELECTIONS**

4 (a) IN GENERAL.—Any Village or Regional Corpora-  
5 tion that has not entered in a voluntary, negotiated settle-  
6 ment of final entitlement under section 212 by the date  
7 of enactment of this Act, shall submit the final, irrevocable  
8 priorities of the Village or Regional Corporation—

9 (1) not later than 36 months after the date of  
10 enactment of this Act for Village Corporations; and

11 (2) not later than 42 months after the date of  
12 enactment of this Act for Regional Corporations.

13 (b) ACREAGE LIMITATIONS.—The priorities sub-  
14 mitted under subsection (a) shall not exceed land that is  
15 the greater of—

16 (1) not more than 125 percent of the remaining  
17 entitlement; or

18 (2) not more than 640 acres in excess of the re-  
19 maining entitlement.

20 (c) CORRECTIONS.—

21 (1) IN GENERAL.—Except as provided in para-  
22 graph (2), the priorities submitted under subsection

23 (a) may not be revoked, rescinded, or modified by  
24 the Village or Regional Corporation.

1           (2) TECHNICAL CORRECTIONS.—Not later than  
 2           90 days after the date of receipt of a notification by  
 3           the Director that there is a technical error in the  
 4           priorities, the Village or Regional Corporation may  
 5           correct the technical error in accordance with any  
 6           recommendations of, and in the manner prescribed  
 7           by, the Director.

8           (d) RELINQUISHMENT.—

9           (1) IN GENERAL.—As of the date on which the  
 10          Village or Regional Corporation submits the final  
 11          priorities of the Village or Regional Corporation  
 12          under subsection (a), any unprioritized, remaining  
 13          selections of the Village or Regional Corporation—

14                   (A) are relinquished; and

15                   (B) shall have no further segregative ef-  
 16          fect.

17          (2) RECORDS.—All relinquishments under para-  
 18          graph (1) shall be included in Bureau of Land Man-  
 19          agement land records.

20          (e) FAILURE TO SUBMIT PRIORITIES.—If a Village  
 21          or Regional Corporation fails to submit priorities by the  
 22          deadline specified in subsection (a)—

23                   (1) with respect to a Village or Regional Cor-  
 24          poration that has priorities on file with the Director,  
 25          the Director—

1 (A) shall convey to the Village or Regional  
 2 Corporation the remaining entitlement of the  
 3 Village or Regional Corporation, as determined  
 4 based on the most recent priorities of the Vil-  
 5 lage or Regional Corporation on file with the  
 6 Director; and

7 (B) may reject any selections not needed to  
 8 fulfill the entitlement; or

9 (2) with respect to a Village or Regional Cor-  
 10 poration that does not have priorities on file with  
 11 the Bureau of Land Management, the Director shall  
 12 satisfy the entitlement by conveying land selected by  
 13 the Director, in consultation with the Village or Re-  
 14 gional Corporation, the Federal land managing  
 15 agency, and the State, that, to the maximum extent  
 16 practicable, is—

17 (A) compact;

18 (B) contiguous to land previously conveyed  
 19 to the Village or Regional Corporation; and

20 (C) consistent with the applicable prelimi-  
 21 nary Regional Conveyance and Survey Plan re-  
 22 ferred to in section 401.

23 **SEC. 404. FINAL PRIORITIZATION OF STATE SELECTIONS.**

24 (a) **FILING OF SELECTION PRIORITIES.**—

1           (1) IN GENERAL.—Not later than 180 days  
 2           after the date on which the Director notifies the  
 3           State that the portion of the Regional Conveyance  
 4           and Survey Plan relating to the Alaska Native  
 5           Claims Settlement Act (43 U.S.C. 1601 et seq.) is  
 6           complete, the State shall file selection priorities for  
 7           the Regional Conveyance and Survey Plan area.

8           (2) IDENTIFICATION OF PRIORITIES.—In the  
 9           selection priorities filed under paragraph (1), the  
 10          State shall identify all prioritized selections as being  
 11          in 1 of the following 3 categories:

12                   (A) Irrevocable priorities available for im-  
 13                   mediate conveyance.

14                   (B) Topfiled priorities not currently avail-  
 15                   able for conveyance.

16                   (C) Revocable priorities not available for  
 17                   immediate conveyance.

18          (b) CONVEYANCE.—The Director shall convey any ir-  
 19          revocable priorities identified under subsection (a)(2)(A)  
 20          as soon as practicable after the date of enactment of this  
 21          Act but not later than September 30, 2009.

22          (c) CORRECTIONS.—

23                   (1) IN GENERAL.—Except as provided in para-  
 24                   graph (2), irrevocable priorities identified under sub-



1 section (a)(2)(A) may not be rescinded or modified  
2 by the State.

3 (2) TECHNICAL CORRECTIONS.—Not later than  
4 30 days after the date of receipt of a notification by  
5 the Director that there is a technical error in the ir-  
6 revocable priorities, the State may correct the tech-  
7 nical error in accordance with any recommendations  
8 of, and in the manner prescribed by, the Director.

9 (d) MAXIMUM ACREAGE.—The cumulative quantity  
10 of revocable selections (other than topfilings) shall not ex-  
11 ceed 3,525,000 acres.

12 (e) RELINQUISHMENT.—

13 (1) IN GENERAL.—The State shall relinquish  
14 any State selections in a Regional Conveyance and  
15 Survey Plan area not identified as an irrevocable,  
16 topfiled, or revocable priority.

17 (2) FAILURE TO RELINQUISH.—If the State  
18 fails to relinquish a selection under paragraph (1),  
19 the Director shall reject the selection.

20 (f) FILING OF FINAL PRIORITIES.—

21 (1) IN GENERAL.—In addition to the  
22 prioritization required under subsection (a), the  
23 State shall, not later than the date that is 4 years  
24 after the date of enactment of this Act, in accord-  
25 ance with section 906(f)(1) of the Alaska National

1 Interest Lands Conservation Act (43 U.S.C.  
2 1635(f)(1)), file final priorities with the Bureau of  
3 Land Management for all land grant entitlements to  
4 the State which remain unsatisfied on the date of  
5 the filing.

6 (2) RANKING.—All selection applications on file  
7 with the Bureau of Land Management on the date  
8 specified in paragraph (1) shall—

9 (A) be ranked; and

10 (B) include an estimate of the acreage in-  
11 cluded in each selection.

12 (3) INCLUSIONS.—The State shall include in  
13 the prioritized list land which has been topfiled  
14 under section 906(e) of the Alaska National Interest  
15 Lands Conservation Act (43 U.S.C. 1635(e)).

16 (4) ACREAGE LIMITATION.—

17 (A) IN GENERAL.—Acreage for topfilings  
18 shall not be counted against the 125 percent  
19 limitation.

20 (B) RELINQUISHMENT.—

21 (i) IN GENERAL.—The State shall re-  
22 linquish any selections that exceed the 125  
23 percent limitation.

24 (ii) FAILURE TO RELINQUISH.—If the  
25 State fails to relinquish a selection under

1 clause (i), the Director shall reject the se-  
 2 lection.

3 (g) DEADLINE FOR PRIORITIZATION.—

4 (1) IN GENERAL.—The State shall irrevocably  
 5 prioritize sufficient selections to allow the Director  
 6 to complete transfer of 101,000,000 acres by Sep-  
 7 tember 30, 2009.

8 (2) FINANCIAL ASSISTANCE.—The Director  
 9 may, using amounts made available to carry out this  
 10 Act, provide financial assistance to other Federal  
 11 agencies, the State, and Native Corporations and en-  
 12 tities to assist in completing the transfer of land by  
 13 September 30, 2009.

14 (3) REPRIORITIZATION.—Any selections re-  
 15 maining after September 30, 2009, may be  
 16 reprioritized.

## 17 **TITLE V—ALASKA LAND CLAIMS** 18 **HEARINGS AND APPEALS**

### 19 **SEC. 501. ALASKA LAND CLAIMS HEARINGS AND APPEALS.**

20 (a) ESTABLISHMENT.—The Secretary shall establish  
 21 a hearings and appeals process to decide appeals from  
 22 land transfer decisions issued by the Secretary in the  
 23 State.

24 (b) ADMINISTRATIVE LAW JUDGES.—

1           (1) APPOINTMENT.—For purposes of carrying  
2 out subsection (a), the Secretary may appoint ad-  
3 ministrative law judges or other officers to hear ap-  
4 peals under subsection (a) for a specified term, as  
5 determined by the Secretary.

6           (2) POWERS.—Judges and other officers ap-  
7 pointed under paragraph (1) shall have the powers  
8 set forth in section 556(c) of title 5, United States  
9 Code.

10       (c) REGULATIONS.—

11           (1) IN GENERAL.—Notwithstanding the fact  
12 that proposed regulations have not been published,  
13 on establishment of the hearings and appeals process  
14 under subsection (a) the Secretary shall immediately  
15 publish in the Federal Register final regulations es-  
16 tablishing procedures and practices for the hearings  
17 and appeals process.

18           (2) APPLICABLE LAW.—Section 910 of the  
19 Alaska National Interest Lands Conservation Act  
20 (43 U.S.C. 1638) shall apply to the regulations pub-  
21 lished under paragraph (1).

1                   **TITLE VI—REPORT TO**  
2                   **CONGRESS**

3   **SEC. 601. REPORT.**

4           (a) IN GENERAL.—Not later than 3 years after the  
5   date of enactment of this Act, the Secretary shall submit  
6   to Congress a report on the status of the implementation  
7   of this Act.

8           (b) CONTENTS.—The report shall—

9                   (1) describe the status of conveyances to Alaska  
10       Natives, Native Corporations, and the State; and

11                   (2) include recommendations for completing the  
12       conveyances required by this Act.

13                   **TITLE VII—AUTHORIZATION OF**  
14                   **APPROPRIATIONS**

15   **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

16           (a) IN GENERAL.—There are authorized to be appro-  
17   priated such sums as are necessary to carry out the pur-  
18   poses of this Act.

19           (b) AVAILABILITY OF FUNDS.—Amounts appro-  
20   priated under subsection (a) shall be available until ex-  
21   pended.

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